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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,159	12/18/2001	Bartholomeus Johannes Van Rijnsoever	NL000717	4620

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ERICSSON INC.
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EXAMINER

BERGER, AUBREY H

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,159

Applicant(s)

VAN RIJNSOEVER,
BARTHOLOMEUS JOHANNES

Examiner

Aubrey H. Berger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/18/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending.

Information Disclosure Statement

2. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609 subsection III. A(1) states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609 subsection III. C(1).

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. As best understood, it seems the information disclosed in the section titled "Background of the Invention" pertains to the description of the preferred embodiment. Also, the information disclosed in the first six paragraphs of the section titled "Detailed Description of Preferred Embodiments" pertains information regarding the background and field of the invention. This information should be swapped and accordingly placed in the proper sections. The applicant is reminded of the content of the specification pertaining to the "Background of the Invention" and "Detailed Description of the Invention":

Content of Specification

Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification

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definitions of the subject matter of the claimed invention.
This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

5. The disclosure is objected to because of the following informalities:
- a. "viz à viz" on page 3, line 21-22 is misspelled and should be replaced by "vis-à-vis".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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- b. Regarding claims 1 and 9, the term "real-time" is not defined in the specification. "Real-time" is a relative term and must be defined accordingly.
 - c. Regarding claims 12-13, the limitation "a station" is unclear and is not defined in the specification.
7. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Regarding claims 1 and 9, line 2 and 6 respectively, the term "(re-)transmitting" is unclear.
10. Regarding claims 1 and 9, the phrase "just as well as header informations" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
11. Regarding claims 1 and 9, line 6 and 7 respectively, the phrase "subsequent said encryption procedure" is unclear. It is unclear if this is the same "encryption procedure" as stated in line 2 and 3 respectively.
12. Regarding claim 1, lines 3-4, the phrase "associated to subjecting said user data to said encryption procedure" is unclear.
13. Regarding claim 9, lines 3-4, the phrase "an based encryption procedure on said user data" is unclear.
14. Regarding claim 9, line 5, the phrase "comprising next to" is unclear.

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15. Regarding claim 9, line 6, the phrase "joining means for joining to said user data" is unclear.

Claim Rejections - 35 USC § 101

16. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

17. Claim 12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 discloses "a signal produced by a station", which does not result in a tangible embodiment.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al, hereinafter Jones, (U.S. Patent Number 6,744,736).

Regarding claims 1-8, as best understood, Jones discloses a method for real-time transmitting or retransmitting frame-formatted user data (col. 7, lines 37-42), whilst thereon effecting before such transmitting or retransmitting an encryption procedure (col. 12, lines 53-54), said method being characterized by

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the step of, associated to subjecting said user data to said encryption procedure, joining to said user data appropriate frame localizing data/hint track (col. 12, line 58), and placing such frame localizing data/hint track, into predetermined governance locations/RTP hint (Fig. 4, #401), which, just as well as header information are excluded from subsequent said encryption procedure whilst subjecting only a part of said user data to said encryption procedure whilst providing for encryption localizing data in said governance locations/RTP hint, to discriminate between encrypted and non-encrypted parts of said user data (col. 25, lines 10-15), wherein such governance locations/RTP hint, are header extension information locations/header (Fig. 4), wherein said user data after encryption are transmitted in RTP-packets (Fig. 4), and wherein said user data are encrypted on a level of said RTP packet (col. 25, lines 10-15), wherein said user data are encrypted on a frame level wherein said transmission allows for imparting partial frames to a packet (col. 10, lines 44-49), as well as allowing to impart a plurality of frames to a single packet (col. 10, lines 44-49), wherein such header extension information location has a plurality of frame localizing data/hint track (see sample pointer, Fig. 4, #405), wherein such governance locations/RTP hint, are placed within a separate hint track (Fig. 5, #504).

20. Regarding claims 9-10, as best understood, Jones discloses a system arranged for implementing a method as claimed in Claim 1 and having transmission means (Fig. 3, #307) for real-time transmitting or retransmitting frame-formatted user data and encryption means for effecting before such transmitting or retransmitting an based encryption procedure on said user data,

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said system being characterized by comprising next to said encryption means joining means for joining to said user data frame localizing data/hint track, and placing such frame localizing data/hint track, into predetermined governance locations/RTP hint, which, just as well as header informations, are excluded from subsequent said encryption and being arranged for interfacing to Internet as a transmission medium (Fig. 6, #662).

21. Regarding claims 11-12, as best understood, Jones discloses a transmitter apparatus being arranged for use as a station in a system as claimed in claim 9 (Fig. 7, #668), a signal produced by a station as claimed in claim 11 (Fig. 9, #686).

Claim Rejections - 35 USC § 103

22. Claims 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 1-12 above, and further in view of Bell.

23. Regarding claims 13-15, as best understood, Jones et al discloses a receiver apparatus (Fig. 11, #730), being arranged for use as a station in a system as claimed in Claim 9. Jones lacks decryptions means. However, Bell teaches decryption means for upon reception decrypting user data that had been subject to said encryption procedure for outputting user data so decrypted as based on frames containing said user data (col. 11, lines 56-61), wherein said decryption means are operational on a frame level, wherein said decryption means are operational on a packet level (col. 11, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jones in further view of Bell. One of

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ordinary skill in the art would have been motivated to modify the system of Jones to include decryption means as disclosed by the system of Bell to decipher the encrypted information received by a receiver apparatus.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

d. United States Patent Number 5,953,418 is cited for disclosing a sync header for detecting the start of a packet, wherein the sync header is never encrypted.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Berger whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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